

**LOUISIANA STATE PLAN
FOR THE DELIVERY OF LEGAL SERVICES
TO THE POOR**

LOUISIANA STATE PLAN

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Louisiana State Plan

I. Introduction

Approximately one million citizens in Louisiana live below the federal poverty level. Today, eight Legal Services Corporation-funded organizations constitute the backbone of the delivery system providing legal assistance to the poor. It is the only system that covers the entire state and in many areas of the state, it is the only provider of these services. In addition, fourteen pro bono organizations; several statewide organizations, including the Advocacy Center for the Elderly and Disabled, AIDSlaw, and the Governor's Office of Elderly Affairs, clinics at three law schools, The Legal Aid Bureau, and a handful of social service programs provide the remainder of those legal services being provided to the poor in Louisiana. Legal services programs in Louisiana have, for some time, delivered services in an atmosphere of cooperation and collaboration, not only among themselves, but also with other local and state providers. Today, this cooperative history gives Louisiana a firm basis for a comprehensive statewide program effectively integrating these efforts.

II. History of Planning and Cooperation in Louisiana

The 1998 statewide planning process, as structured pursuant to the requirements of Program Letter 98-1, provided some new focal points for discussion of statewide efforts in Louisiana. To understand the complete picture this most recent planning effort must be seen in the context of an ongoing process which has been very active in the State over the last three (3) years. The work of the Louisiana legal services providers in conjunction with the Louisiana State Bar Association (LSBA), the Louisiana Bar Foundation (LBF), law schools, courts and other providers, has produced a burgeoning number of innovative new projects, collaborations and relationships that move Louisiana closer to providing the most effective and efficient comprehensive delivery system of services to the poor. While additional references will be made to these other efforts in the body of this paper, below is a brief background of the efforts which have taken place.

A. 1995 Statewide Planning - In 1995, funding for legal services state support ended. The program directors of the local legal services programs entered into comprehensive discussions at that time, involving a total of eight (8) meetings, on how to best continue some of the work of that program and to identify new ways in which programs could cooperate. Much of the focus of this planning centered around continuing task forces, offering statewide training every year in various areas of poverty law, working together to increase program funding, increasing the development of pro bono, and working together on issues of client service.

The 1995 State Plan was completed by the Louisiana legal service programs. These Louisiana programs, over the past several years, have evolved through three (3) previous mergers and/or consolidations into the present delivery system of eight (8) basic field programs:

- Acadiana Legal Services Corporation (ALSC)
- Capital Area Legal Services Corporation (CALSC)
- Kisatchie Legal Services Corporation (KLSC)
- New Orleans Legal Assistance Corporation (NOLAC)
- North Louisiana Legal Assistance Corporation (NLLAC)

Northwest Louisiana Legal Services Corporation (NWLLS)
Southeast Louisiana Legal Services Corporation (SLLS)
Southwest Louisiana Legal Services Society, Inc. (SWLLS)

In 1995, this statewide plan envisioned increased levels of cooperation among various LSC-funded programs and with other delivery groups in the State. As a result of the 1995 planning process, the LSC-funded programs realized the need to reach out to the Louisiana Bar Foundation, Louisiana State Bar Association, statewide clients council, elements of the Louisiana judiciary, Louisiana pro bono programs, disabled and elderly advocacy groups and social services providers.

Following submission of the state plan, the LSC-funded programs completed further planning and coordinated with the Louisiana State Bar Association and the judiciary. This interaction gave rise to various supportive results, which included the following: the Supreme Court of Louisiana appointed a Task Force on Legal Services; the Louisiana State Bar and the Louisiana Bar Foundation became more aware and involved with delivery of legal services to the poor; and a subsequent statewide planning meeting which lead to the development of the Access to Justice Program.

Commitments made to continue planning between the LSC-funded programs in the 1995 plan and efforts have been successful. Examples such as:

- 1) the coordination of programs in the State with ALSC, to address the issues of migrant workers;
- 2) the development of a centralized telephone line which provides information and referral to local legal services programs;
- 3) the continuation of regular input through program director meetings;
- 4) the expansion of pro bono attorney involvement (Louisiana Program Directors honored past Bar Association Presidents and Supreme Court Justices for their role in supporting and promoting legal services to the indigent in 1997);
- 5) the exchange and adaptation in various programs of information related to technology issues; and,
- 6) the development of additional resources.

B. Regular Program Director Meetings - The program directors meet at least every other month, to explore additional methods in which programs can cooperate and to review the accomplishments on the commitments made in the 1995 statewide plan. Peer input continues to be developed through the regular program director meetings which act as management and information exchange round tables. Individual problems and concerns are brought to the table and options are presented by the other program directors. Additionally, common issues and projects are developed.

The group regularly discusses issues of management, technological innovations, resource development and general concerns regarding the delivery of legal assistance to the poor. The directors frequently form committees or appoint one of their members to investigate and work to achieve necessary new goals. Recent accomplishments include the following:

- 1) purchasing of computerized legal research at a substantial savings Under the leadership of Harold Murry, from a division of ALSC, the legal services programs recently negotiated a joint contract for legal services programs throughout the state which reduced the cost of individual computer research capability. The development of computer software has

been coordinated among programs where it would be helpful.

2) assisting to update the attorney's desk manual - The legal services program directors were the driving force in Loyola University's Gillis Long Poverty Law Center's effort to update the attorney's desk manual which is used by all legal services programs and the Loyola Law School Clinic student practitioners.

3) coordinating task force activities - The legal services program directors coordinate the efforts of the state task forces. The program directors' meetings regularly include discussions of task force activities which insures participation in these task forces by staff at local programs and checks the progress of the task forces. As a result regular training events are supported by individual programs with expertise in a specific area. Examples of these are: a Social Security training, held in December, 1996, under the sponsorship of Capital Area Legal Services Corporation and the Public Benefits Task Force; a Social Security training held in early 1997 under the sponsorship of New Orleans Legal Assistance Corporation with participation of prominent national speakers; a Family Law training held in May, 1997, sponsored by the LSBA Family Law Section and Southwest Louisiana Legal Services; and two Fair Housing training events, one including landlord/tenant problems sponsored by New Orleans Legal Assistance Corporation and the Housing Law Task Force; and three Supplemental Security Income/Children's Disability trainings.

4) developing a uniform referral system - The recurring discussion of legal issues and case types led, several years ago, to a uniform referral system between programs.

With the sharing of forms, intake and compliance issues, technology and the free exchange of ideas and coordination, the regular program directors' meetings have become an indispensable tool in the delivery of services among the programs in the state.

C. Louisiana Supreme Court Task Force - On October 10, 1996, Chief Justice Pascal Calogero signed an order calling for the formation of a task force to study Access to Justice issues for the poor in Louisiana. This was done after he was made aware of the critical challenge legal services programs were facing in funding and trying to meet record numbers of requests for services. Co-chairing the Legal Services Task Force were Louisiana Supreme Court Justice Bernette J. Johnson, and Marcel Garsaud, Jr., Interim Dean of Loyola University School of Law. Membership of the twenty-two member task force included individuals from the judiciary, pro bono programs, law school clinical programs, private bar, clergy, and other interested groups. The legal services programs participated in this examination. The directors of two of the legal services programs were task force members, and all of the Louisiana legal services programs, acting together, prepared a comprehensive study of the *in forma pauperis* practices in Louisiana, as well as gathered statistical information for a study the task force completed.

The mission as stated by the task force was 1) to assess the condition and purpose of the current system for delivering civil legal services to the poor in Louisiana as provided by Legal Services Corporations, pro bono services, traditional legal aid societies, and law school clinics; 2) to recommend strategies for strengthening, improving, and expanding the total delivery of such legal services; 3) to promote among the public and the legal profession a better understanding of the purpose, scope, availability, and benefits of such services; and; 4) to create greater support within the legal profession and throughout the general public for an effective civil legal services delivery system for the poor.

One of the initial steps taken by the Task Force was a comprehensive survey of legal services providers throughout Louisiana. The survey included inquiries related to financial resources, personnel, caseloads, application rejection rates, and effects of reductions in funding.

A second step taken by the task force was the proposal of several pieces of legislation on the following issues:

- 1) dedication of abandoned property in lawyers trust accounts to the provision of legal assistance to the poor.
- 2) establishment of The Fund for Louisianians, a state funding mechanism for legal services providers. Legislation has accomplished this, but unfortunately, no funds have been appropriated.
- 3) payment of legal fees and approved expenses of legal services providers arising out of the representation of children of indigent parents in child protection proceedings. Legislation has accomplished this.
- 4) implementation of a state income tax deduction or tax credit for attorneys providing certified pro bono civil legal services to the poor.

The Task Force met during the greater part of a year and the resulting report included the analysis of need discussed above as well as findings and recommendations. The report specifically recommended the hiring of a Legal Services and Pro Bono Resource Director.

D. ABA / Louisiana State Bar Association (LSBA) Retreat - The LSBA, which is an integrated or mandatory bar, agreed to fund a day-long retreat in January 1997. Participants included LSBA officers, the Board of Directors of the Louisiana Bar Foundation, members of the LSBA's Access to Justice Committee, directors of programs providing legal services to the poor, and other influential lawyers and judges. The purpose of the retreat was to consider some of the same issues considered by the task force referred to above, but with a more specific focus on what the organized bar, as opposed to the judiciary, could do to improve the delivery of legal assistance to the poor. The retreat was conducted in conjunction with the ABA Center for Pro Bono and was designed to develop a strategic plan.

The facilitators for the event were Steven Scudder, Committee Counsel for the ABA's Standing Committee on Lawyer's Public Service Responsibility (SCLPSR) and B. Riney Green, an active member of SCLPSR from Tennessee.

The retreat resulted in the following action plan:

- 1) Hiring of a full-time LSBA Civil Legal Services and Pro Bono Resource Director. This has been accomplished.
- 2) Adoption by the LSBA House of Delegates of a version of the ABA's model rule 6.1 calling for mandatory or voluntary reporting of pro bono activities by lawyers. Voluntary reporting has been accomplished.
- 3) Coordination and expansion of local and statewide recognition of those who perform pro bono work. This has been accomplished in part and is ongoing.
- 4) Development of Judicial Circuit Pro Bono Committees to make recommendations to the judiciary as to how they can assist in increasing pro bono/legal services for low income individuals. This has not been done.
- 5) Removal of some IOLTA restrictions on use of those funds. This has been

accomplished.

E. Bar Leadership - At the beginning of 1997, Charles Weems, then President of the Louisiana State Bar Association, implemented his plan to conduct citizens forums throughout the state on the goals and activities the LSBA should adopt to improve the legal profession in the state. Since Louisiana has one of the highest poverty rate in the country, with one-quarter of its citizens poor, not surprisingly, an issue heard repeatedly was the lack of sufficient availability of legal assistance to those who could not afford it. One of the four recommendations eventually adopted by the LSBA as a result of these forums was increased funding for programs serving the civil legal needs of the poor.

President Weems' successor was David F. Bienvenu. Mr. Bienvenu's contribution to all of the various efforts described in this paper cannot be overstated. Suffice it to say, that not only was he an active member of the Supreme Court Task Force, the motivating factor in the ABA retreat, a member of the subcommittee which took on the task of performing the statewide planning this year, the primary moving force in getting the support needed to establish the Access to Justice Program at the LSBA, but he made the improvement and further development of civil legal assistance to the poor the centerpiece of his presidency. To this end, formal and informal meetings were conducted throughout the state with diverse members of the legal profession to develop a specific plan for increased pro bono activity, increased assistance to legal services programs, and a work plan for the new Access to Justice Program.

The Louisiana Bar Foundation, which administers Louisiana Interest on Lawyer Trust Accounts (IOLTA) has also been an active supporter in these efforts. The IOLTA program, with one exception, is the largest provider of non-LSC funds to each of Louisiana's legal services programs. Legal services turned to this organization first when the funding cuts were announced in 1995. The result was not only increased financial support for these programs, but a renewed commitment to working on issues of access to justice.

F. Access to Justice Committee of the LSBA - For many years, the LSBA had two standing committees dedicated to assisting legal services providers - The Legal Services Committee and The Volunteers in Public Service Committee (often referred to as the Pro Bono Committee). These committees, whose membership consisted of interested volunteers, for years operated independent integrated, statewide organization in Louisiana the LSBA, in 1996, consolidated its two committees into the Access to Justice Committee (referred to as the ATJ committee.) The membership roster can be found at Appendix A.

The ATJ Committee originally consisted of five subcommittees - Access to Justice Conference Planning Subcommittee, Delivery Systems-Structure and Enhancement Subcommittee, Policy Subcommittee, Resource Development Subcommittee. This year, the Policy and Delivery Systems Subcommittees have been consolidated and an additional subcommittee, Children's Unmet Legal Needs, has been added.

Through the work of these subcommittees, whose memberships comprise a cross-section of legal services providers, several projects have been successfully completed.

1) The Access To Justice Conference Planning Subcommittee provided a successful

day-long conference in poverty law issues which was attended by approximately 100 attorneys from throughout Louisiana with various backgrounds. The conference provided attorneys with five (5) hours of free continuing legal education training.

2) The Delivery Systems-Structure and Enhancement developed the project to provide a single, statewide toll-free number which would direct clients to their local legal services programs. This group also coordinated the legal component of the Louisiana Coalition working with children's SSI issues.

3) The Policy Subcommittee commissioned a statewide pro bono survey to be completed which resulted in the implementation of a voluntary reporting mechanism.

4) The Resource Development Subcommittee developed a statewide development plan, promoted the use of filing-fee legislation for local funding, and helped to establish a contributions check-off on the LSBA annual dues statement.

5) The Technology Subcommittee has completed a technology survey of legal services providers, is developing a technology plan, has obtained a web page, and has developed a listserv.

The ATJ Committee's plan addresses projects in three stages: those which have been proposed, those on which the ATJ Committee is currently working, and those which are ongoing. The Committee views the work of the subcommittees as a progression of committee projects through these stages to meet the goals of the subcommittees, and ultimately those goals of the ATJ Committee. The completion of these projects may, in some cases, be to maintain ongoing status.

At the first Access to Justice Committee meeting for the 1998-99 Bar year, the Committee was provided with the Access to Justice Plan for the current year in chart form. A chart of the ATJ Plan follows.

1998-99 Access to Justice Plan

Proposed	Current	On-Going
Promoting Pro Bono	State Planning Project	Update Louisiana Directory
Law School Research Project	Development of ATJ	Coordination of Pro Bono
Louisiana Paralegal Project	Access to Justice Conference	Coordination of Access to
Resource Development	Tel-Law Project	Coordination of Media and
AARP Hotline Project	Technology Goals	Recruitment
Access to Justice Column in	Free / Reduced Admissions	Pro Bono Reporting
Pro Bono Education	Resource Development	Publicity / Grassroots
Pro Bono Organizations		ATJ Fund Campaign
		Clearinghouse Activities

The structure and evolving nature of the Access To Justice Plan allow the LSC-required state planning to be easily integrated into the ATJ Committee's ongoing planning. The state planning process has provided the opportunity to incorporate those ideas postured, and by doing so, widen and strengthen the support base for comprehensive, integrated state planning.

G. Institution of the Access to Justice Program - Both the LSBA, as a result of its retreat conducted by the ABA, and Supreme Court of Louisiana, as a result of its Task Force's work, had suggested that a Civil Legal Services and Pro Bono Resource Director be hired. The Access to Justice Program (hereinafter sometimes referred to as the ATJ Program) was instituted in August, 1997 with the financial support of the Louisiana Bar Foundation, the Louisiana State Bar Association and the Louisiana legal services programs. The program, which consists of a director and a secretary/paralegal, is located in the Louisiana Bar Center with the LBF and LSBA.

The Access to Justice Program acts as a liaison to The Access to Justice Committee and other interested groups. Through this arrangement, the program staff has been able to obtain input from an array of providers, the LSBA, the LBF, the Supreme Court of Louisiana, Louisiana law schools, social service agencies, the judiciary and a host of interested parties, or as the LSC's state planning suggests, stakeholders. The Access to Justice Program has acted as a coordinating and resource organization for these stakeholders. The overall mission of the ATJ Program is to support and help strengthen an integrated, statewide network to increase the delivery of legal services to the poor of Louisiana by making others aware of the unmet needs of the poor for civil legal services and to work toward solutions that can be realized through proper funding of the legal service providers and increased participation by the legal community.

The Access to Justice Program is the essential component in allowing the ATJ Committee to adopt the ambitious work plan described above. With permanent staff committed to planning and coordination among the various groups, the Access to Justice Program facilitated monthly meetings of the ATJ Subcommittees by telephone conference to discuss the status of their work and new tasks. Additionally, the ATJ Program staff facilitated the six meetings of the Access to Justice Committee held in the past year (approximately every two months) in order to review efforts. This ongoing review has resulted in an ever-evolving overall plan for the delivery of legal service in Louisiana.

III. Louisiana's Statewide Planning Process

The Louisiana State Bar Association, through its Access to Justice Committee agreed to perform the planning process as outlined in LSC's instructions in Program Letter 98-1. This was important in meeting LSC's vision of reporting from a statewide perspective. The Committee recognized the Legal Services programs as the preeminent providers of legal services in Louisiana, and the importance of each program's involvement in providing a comprehensive statewide network. The committee also recognized the advantages of the planning process including the non-LSC funded stakeholders as well. A subcommittee of the ATJ committee was formed to coordinate the planning process. It is an eight-member, ad hoc subcommittee consisting of experienced individuals from various backgrounds. The members of the subcommittee are:

Evangeline Abriel

Clinical Professor, Loyola University Law School

David F. Bienvenu

Immediate Past President, Louisiana State Bar Association
Gene Broussard
Private Practitioner, Access to Justice Committee Member
Barry G. Feazel
Chair, Shreveport Bar Assoc. Pro Bono Project
Edward Lopez
Private Practitioner, Access to Justice Committee Member
Michael W. McKay
Co-Chair, Access to Justice Committee
Private Practitioner
Joseph R. Oelkers, III
Co-Chair, Access to Justice Committee
Executive Director, Acadiana Legal Services Corporation
Rachel Piercey
Executive Director, New Orleans Pro Bono Project

The ATJ Committee designed the state planning process in order to allow for participation by all providers. Three stakeholder meetings were held throughout Louisiana to gather input for the final report. Approximately one hundred and thirty-five (135) individuals representing the Louisiana State Bar Association, the judiciary, the Louisiana Bar Foundation, law schools, a variety of civil legal services providers, social services agencies, state organizations, clients and others interested in the provision of civil legal services were invited to these meetings. (A list of stakeholders can be found at Appendix B.) The meetings were held in New Orleans, Shreveport and Lafayette, at opposite ends of the state, in order to provide as many individuals as possible the chance to attend. The meetings lasted the greater part of each work day and were conducted by an independent facilitator, Sally O. Donlon with the Louisiana Endowment for the Humanities. Additionally, written comments were solicited from all individuals invited to the meetings to collect input in the event that they would be unable to participate in person.

Individuals representing diverse disciplines of the legal system participated in each of the meetings. The stakeholders were asked to address the issues posed by LSC Program Letter 98-1. Commentary was recorded, and reports compiled after each meeting. The final plan was approved by the ATJ committee.

IV. Results of Louisiana Statewide Planning

To follow are the results of the Louisiana state planning process - the examination of those specific issues which the Legal Services Corporation deemed most important to state planning. These ideas and suggestions can readily be incorporated into state planning to reinforce and enhance ongoing efforts.

1. Intake, Advice and Referral

How are intake and delivery of advice and referral services structured within the state?
What steps can be taken to ensure a delivery network that maximizes client access, efficient

delivery, and high quality legal assistance?

Synopsis

Intake, advice and referral are essential components to the delivery of efficient legal assistance. Effective access to legal services requires an easily understood system available to all. Because information obtained at the client's point of entry into the legal assistance network can often determine what services will be provided, an effective intake process is critical. In order to accurately identify issues and provide advice, intake must be conducted by experienced staff familiar with the issues confronting local populations.

Louisiana's diverse local populations compel legal services providers to conduct local and regional intake. A statewide intake system may be less efficient and effective, except in populations that have specialized issues, such as the elderly or Native Americans. Current funding capacities do not allow for immediate overall changes, but ongoing evaluation and upgrading of the current system are priorities. The development of generalized community education materials, a centralized clearinghouse for this information, and an automated information system providing clients with access to the nearest legal services provider are steps currently being taken to provide the best intake possible. In a collaborative effort with the Governor's Office of Elderly Affairs, the ATJ Program and local legal services programs sought a statewide elderly hotline grant last year.

Strengths and Weaknesses

Intake in the eight legal services programs occurs locally. In each case, the process is carried out by experienced personnel familiar with the local laws, the local application of the laws, and the local avenues for resolution of problems. While intake may differ among providers, the programs use methods which, over time, have proven to maximize client access. A variety of means, such as telephone intake, personal interviews at local offices and community locations, or video conferencing, make services available to clients living in locations distant from a staffed office. Most programs use a combination of access methods. By providing various points of entry, the programs maximize client access.

A major entry point for many clients is through telephone intake. Though there currently exists no statewide central intake system, planning is underway for statewide access through the Tel-Law system. The Access to Justice Committee has developed a segment of the LSBA's Tel-Law information hotline to address the needs of the poor. Legal services programs furnished program-specific information regularly sought by applicants for this system. The Tel-Law system will provide callers with a single, statewide, toll-free automated information system which will direct clients to their nearest local legal services provider and supply access information such as location, case types accepted, and hours of operation and intake. This system will also direct the caller to toll-free regional lines for direct access to their local legal services program. A

statewide media campaign is expected for the introduction of the revised and expanded Tel-Law System.

All legal services programs have toll-free regional lines to facilitate client access in rural areas. This network provides good saturation of intake and advice services in each of Louisiana's sixty-four parishes. Toll-free regional lines ensure that clients with transportation problems have access to a local legal services program. The multiple points of entry and publicity increase availability of legal services to potential clients.

The lack of public transportation was a recurring theme during state planning discussions. To this end, three legal services programs, KLSC, CALSC, and ALSC all own vehicles to assist with delivery problems. Clients want a personal interview with an attorney. If that is not possible, clients want to talk to an attorney in their community who is familiar with the law, and who can give them detailed, specific advice as to the resolution of their problem through local avenues. Regional toll-free numbers in rural areas address these matters most effectually. These regional lines are most effective and efficient in dealing with local issues. In a state as diverse as Louisiana, the efficiencies of scale gained from large geographical hotlines can often be lost to the effectiveness of service provided by local and regional toll-free lines.

For example, the most exclusively rural program, Kisatchie Legal Services Corporation, initiated a hotline/advice/brief services system in 1981, which it continues to utilize and expand. Other programs have implemented similar systems based on the system developed by Kisatchie Legal Services. Implementation of similar systems at Southwest Louisiana Legal Services Society, Inc. allows every applicant to have direct contact with an attorney within one and one half hours from the applicant's telephoning or visiting the office.

Acknowledging that low-income clients may not have telephone access, programs offer alternatives to clients who have difficulty gaining access to, or using, a telephone system. All programs have made accommodations for the hearing impaired through the use of interpreters and/or TDD apparatuses. Capital Area Legal Services Corporation, where the Louisiana School for the Deaf is located nearby, can also be accessed for assistance in hearing impaired matters. For those with access problems, many programs offer personal intake in their office and/or provide community outreach to communities with the greatest distance barriers.

Additionally, legal services programs provide outreach for intake purposes. Outreach often utilizes space donated by local churches, community centers or local governments. Capital Area Legal Services Corporation and Southeast Louisiana Legal Services Corporation, have worked in this manner with local organizations to provide outreach in rural communities. This outreach not only provides clients with access, but frequently develops beneficial and lucrative relationships with local entities. Several programs contract with their local Councils on Aging to provide intake at local centers for the elderly. Other programs have been able to obtain grants from their local governments because of these relationships. But for rural intake, and collaborative efforts between Capital Area Legal Services Corporation, local governments and the Louisiana Bar Foundation, some clients would be almost 100 miles away from a legal services program. Because of these local efforts, outreach is provided within 15 miles of every client. At New Orleans Legal Assistance Corporation, this distance is reduced to 8 miles.

All legal services programs have provided accommodation for handicap access problems.

The legal services programs generally conduct intake in a similar fashion. Telephone screening appears to be a consistent method of initial access for clients. Screening is generally completed by an individual skilled in making preliminary determinations as to financial and case type eligibility and immediacy of intervention. All legal services programs enter this information directly into a computerized data base and necessary conflict checks are conducted electronically.

Once preliminary eligibility is determined, a thorough interview will be conducted. All interviews are conducted by paralegals or attorneys sufficiently experienced and knowledgeable to handle the client's legal issue. The interviewer will obtain information in order to make an informed decision regarding the case. Closer examination of the legal issue will generally determine the next step taken by the legal services programs.

In general, if a client's problem can be resolved during the interview or through provision of information, these services are offered as quickly as possible. All programs offer advice/brief services as quickly as possible after completion of the intake process. Follow-up correspondence, including self-help information or client education material, is generally furnished the client. An area in need of improvement is the provision of such material. The development of general-information brochures on recurring poverty law issues could help provide consistency in disbursing legal information.

However, if a client's problem cannot be resolved during the interview, the interviewer can offer various options. Those options can range from setting up a personal interview at the office to providing the interviewer with additional written material, such as legal documentation, so further determinations can be made.

Interviewers are experienced and familiar with the issues they are presented. Additionally, they are familiar with the specialties of attorneys in their offices who can assist with other issues that may arise. Interviewers are also quite familiar with the expertise of advocates in these localities. A statewide directory of legal services providers was produced by the Access to Justice Program and published on the LSBA's website to assist interviewers to locate other local or state providers.

Also, calls are regularly handled from individuals who are not eligible for legal services because of income, the case is fee-generating, or other restrictions. Additionally, calls from other service areas are evaluated to determine whether jurisdiction lies within the geographical boundaries of the program receiving the call. Legal services programs have developed a standardized referral procedure among themselves and have, because of local contacts with pro-bono organizations, local attorneys, and social service organizations, systematically referred clients on a regular basis. Development of a standardized "all-provider" referral procedure would strengthen the referral network already in place by legal services programs. E-mail capabilities, which all legal services programs have, can be used to rapidly provide referrals.

Goals to Strengthen and Expand Services / Time Frame

1) Legal services programs will conduct a statewide evaluation of the current intake methods with an eye to standardization of those components which could benefit from such a process, e.g., intake forms. **24 months**

2) The Access to Justice Program, should maintain and expand “ The Directory of Louisiana Civil Legal Services Providers” to expand knowledge and promote referrals. **Ongoing**

3) The legal services providers shall promote knowledge and disseminate information on those cases types routinely taken by different providers. **12 months**

4) The legal services programs should develop uniform intake procedures to equalize quality of access. The procedures should address issues such as restricted work, non-case types, and ineligible clients. All intake specialists will receive ongoing training and a desk manual of uniform procedures. **24 months**

5) The legal services task forces and non-LSC-funded organizations should develop standardized client education and self-help materials on poverty law topics which could be distributed to clients requiring advice or brief services. The Access to Justice Program could assist in this effort and act as a statewide clearinghouse for these materials. **12 months**

6) The legal services programs should continue to formalize and improve the assessment of their intake systems. **Ongoing , with formal review every 18 months**

7) Louisiana legal services providers, in conjunction with the assistance of the Access to Justice Committee, should develop a standardized “all-provider” referral procedure to strengthen the referral network in place by legal services programs to allow expansion of this to other providers. **12 months**

2. Technology

Is there a state technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?

Synopsis

Louisiana legal services programs are committed to the improvement of technology. They applaud the Legal Services Corporation technology initiatives, and encourage its support of expanded technology and its efforts to fund the same.

With three legal service program directors as members, the Access to Justice Technology Subcommittee has, for the past year, worked to develop a state technology plan. The plan, though not complete, has generated concepts providing for a two-tiered approach to the development of state technologies. One tier addressing those projects which can enhance the providers’ abilities to provide effective and efficient legal services with existing resources, and

another tier with a forward-looking view for updating hardware and software and making these uniform, given adequate funding.

With the LSBA's technical and financial support, great strides and accomplishments have been made, which without outside resources, would not have accomplished. The participation of the ATJ Committee ensures a comprehensive, statewide approach in these projects.

Strengths and Weaknesses

In October 1997, The Access to Justice Technology Subcommittee conducted a survey of the legal services and pro bono programs to determine the technological capacities of the providers. The results of the survey and subsequent discussions with the providers showed that, when possible, all of the programs had moved closer to a fully automated, integrated law office that could easily interface with other providers. It also revealed that all programs are committed to improving technology.

The survey revealed that the technologies of the legal services and pro bono programs are not uniform, but all programs have an acceptable level of capability, and are working toward optimum levels. In the local programs, uniformity is not, in and of itself, a virtue, but consistent movement toward uniformity is a goal which, when met, could provide benefits for the larger, state client community as well as the providers. The legal services program directors continue to discuss this important topic at their bi-monthly meetings and to implement those plans which can be currently accomplished. They maintain a vision for a future uniform system, but acknowledge that the lack of funding for the necessary improvements can frustrate their best intentions in reaching uniformity.

The survey revealed that all Louisiana LSC-funded programs have acceptable technological capabilities. All legal services programs have computerized intake, telephone messaging, case management and financial systems. Each advocate has a personal computer at his desk. All programs have computerized research and some advocates have direct access to this research from their desks. All programs have internet and e-mail capabilities from at least one computer. Two programs were recipients of ABA-donated hardware and have also received free software.

The legal services programs, in a cooperative venture headed by Harold Murry from a division of ALSC, negotiated an agreement for the statewide purchase of a computerized legal research. This collaborative effort insured that this essential tool was obtained at the lowest cost to all legal services programs. Another collaborative effort between Kisatchie and North Louisiana Legal Assistance Corporation involved the development of client trust, intake software and computerized accounting systems. The shared development again reduced costs for both.

Kisatchie, endeavoring to keep pace with technological advancements, has added video conferencing to its range of technology. This technology allows communication between offices, allows all casehandlers to participate in legal staff meetings without travel, and helps attorneys to better serve clients.

Additionally, New Orleans Legal Assistance Corporation's web site is currently under construction and is expected to be operational by the end of October 1998. This broadens opportunities to assist clients in many ways.

Working within the current constraints, the Access to Justice Technology Subcommittee, whose membership includes, program directors from New Orleans Legal Assistance Corporation, Southeast Louisiana Legal Services Corporation and Southwest Legal Assistance Society, Inc., has developed the framework of a technology plan that has set as immediate goals those objectives which can be accomplished with existing resources and has sketched a set of more universal goals that can be accomplished with proper funding and technological support. Input from a technology consultant would promote completion of the proposed ATJ Technology Subcommittee plan. State planning concerns additionally addressed the benefit of having a "technological assistance position" on the staff of the Access to Justice Program to provide statewide support.

The LSBA has provided tremendous financial and technological support in advancing technology issues for the legal services providers. Some of the accomplishments in the past year are:

1) The Access to Justice Website Page - The LSBA's ATJ Committee has established a page on the LSBA Website. Currently, this page includes the "Directory of Louisiana Civil Legal Service Providers." The directory provides preliminary information on each legal services provider, the cases each handles, the areas each serves and lists other providers in the client's locale. A goal of the ATJ Committee is to have this site tagged and hyper-linked from the opening page of the LSBA website for ease of accessibility.

2) The Legal Services Listserv - The LSBA has created a listserv for use by legal service providers throughout Louisiana. After numerous months of construction, Louisiana providers now have a confidential listserv capable of archiving information. In this manner, not only can information be disbursed between advocates easily and timely, but discussions of recurring legal issues, case strategies, and the like can be discussed and archived for future review. The listserv can expand opportunities for coordinated efforts and joint projects.

3) The ATJ Brief and Pleadings Bank - The LSBA has also constructed a brief and pleadings bank for Louisiana legal services providers. The framework will be in place shortly and the legal services task forces will supply the initial offerings. This bank will reduce duplicitous drafting and encourage pro bono participation by advocates less familiar with poverty law issues. Additionally, the legal services program directors are working to have the desk manual which they are compiling for the Gillis Long Poverty Law Center placed in this bank.

Louisiana providers are fortunate to have the LSBA sponsor these technological advancements. The LSBA has buttressed its commitment to the legal services providers and their clients by formally making access to justice issues one of the top three areas of concern for its newly formed Technology Committee.

Additionally, Louisiana's state libraries were recently named as recipients of an extensive technology grant from Bill Gates' Microsoft Foundation which make computers accessible to the general public through the Louisiana library system. Therefore, a re-evaluation of the technology plan with emphasis on reaching a greater number of clients than ever is envisioned. Additional efforts can be directed toward education, pro se, and self-help materials.

Goals to Strengthen and Expand Services / Time Frame

1) All parties, including legal services programs, the Access to Justice Committee, the Louisiana State Bar Association, and the Louisiana Bar Foundation should continue to seek additional funding, through whatever available sources, for the development of technology, whether equipment purchases, technical assistance, or other required mechanisms for the advancement of statewide technology. **Ongoing**

2) All parties should seek to develop a source of ongoing technological assistance for legal services providers through additional personnel, expert consulting, or other means, to provide support for statewide endeavors. **18 months**

3) All parties should work together in a cooperative effort between programs to accomplish technological advances through shared costs. **Ongoing**

4) The Access to Justice Technology Subcommittee should continue to work to complete and formalize the technology plan with advice and input from a technology consultant. **12 months**

5) The Access to Justice Committee and Louisiana State Bar Association should continue to work on technological endeavors relevant to the provision of legal services to the poor. A member of the Access to Justice Committee should also become a member of the LSBA's Technology Committee and regularly report to both committees on the goals established in the state technology plan. **Ongoing**

6) The Access to Justice Technology Subcommittees should work with the LSBA to provide recognizable, easy access to Access to Justice information contained in their website through tagging and/or hyper-links from the opening page of the LSBA website. **6 months**

3. Increased Access to Self-Help and Preventive Information

What are the major barriers low-income persons face in gaining access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income person?

Synopsis

Equal access to justice cannot be discussed without examining issues of client access to courts, availability of services, client education and the development of a full range of client options. These options are being evaluated in order to develop expanded access through means heretofore not

present in Louisiana. The expansion of Louisiana's pro se culture and technological improvement are only two avenues being encouraged.

Strengths and Weaknesses

Equal Access to Justice has always been a cornerstone in the provision of legal services to the poor in Louisiana. As times have changed, new approaches must be taken to address the changing needs of clients to access the judicial system. Basic tenets to addressing access issues are:

- I. The clients must have access to the courts.
- II. The clients must be educated and informed as to options.
- III. Clients must have meaningful access to a full range of legal assistance programs.

Louisiana legal services strive to provide such necessary access to the courts. They have proven successful in their efforts, and an orchestrated statewide approach to many of these issues will benefit Louisiana's poor clients.

The Access to Justice Committee, the legal service and pro bono programs are working in tandem with the LSBA's Public Information Committee to update and enhance the Bar Association's Tel-Law System. The Tel-Law System is an automated information line designed to provide the public with general information on various legal topics. The scope of the Tel-Law System will be expanded to include a section dedicated to the Louisiana legal services programs and pro bono programs. This section will explain the types of free legal services available to clients and then direct the caller to the nearest local legal services provider. The program will supply access information such as location, case priorities, hours of operation, and intake. Concurrently, the Public Information Committee will update and revise the substantive law tapes. A statewide media campaign has been encouraged for the introduction of the revised and expanded Tel-Law Program.

In discussing access issues during the course of the state planning process, it was mentioned that clerks of court were providing information about legal services programs as a written notice on regular form legal documents. A survey was taken of all Louisiana district court clerks of court to determine the frequency with which this information was provided. Legal services programs have worked with local clerks of courts on an ongoing basis to provide this type of notice. Several jurisdictions throughout the state inform clients of the legal services programs in this manner. The campaign will be expanded to encourage clerks of court to regularly notice low-income individuals of available legal services in this manner.

An essential part of providing high-quality legal services is educating and informing low-income individuals of their legal rights and problem-resolution options. At every meeting in the state planning process it was observed that the level of education attained and the literacy of Louisiana's population was a major obstacle in a client's ability to access the courts. These factors impact on a poor persons' ability to understand his rights, and his ability to represent himself in court.

Individuals need to be aware in order to choose the options that best meet their needs. The Louisiana legal services providers have historically provided community legal education through "normal" avenues by providing topical speeches to neighborhood organizations and providing written pamphlets on relevant issues.

Additionally, the legal services task forces can provide a source for the statewide development of community legal education materials. State planning process attendees suggested that these materials could be placed on the internet due to the envisioned increase of public access terminals through Louisiana's library system.

The legal services programs have worked to increase access to the courts by working with the *in forma pauperis* status of clients in Louisiana Courts. The legal services program directors completed an extensive analysis of the *in forma pauperis* statutes in various jurisdictions throughout the state so that access to the poor could be maximized. The Supreme Court of Louisiana Task Force on Legal Services reviewed this document in connection with efforts it was conducting simultaneously.

Other options, such as pro se projects are in place in various cities. Several programs have, alone or in conjunction with pro bono organizations, developed pro se workshops or clinics. Acadiana Legal Service Corporation conducts a pro se divorce clinic in cooperation with Lafayette Volunteer Lawyers. Southeast Louisiana Legal Services Corporation began a similar program this year. The pro se culture is not well developed in Louisiana, and participants in the state planning meetings identified the reluctance, and some times the discouragement, by the courts, as a problem in accessing the courts. Through their pro se efforts, legal service programs encourage pro se participation by impressing upon the court that the pro se litigant who has worked with a legal services programs will be a more informed and educated litigant. A pro se educational campaign directed to the judiciary and the institution of a pro se forms task force, as suggested by The Supreme Court of Louisiana, could provide a much needed boost to Louisiana's pro se culture.

Alternate dispute resolutions and mediation are also options. Though providers negotiate settlements daily, very few formalized program exists for low income people. Several legal services programs are working with other groups to investigate possible local implementation of ADR or mediation programs. Capital Area Legal Services Corporation and Southwest Louisiana Legal Services Society, Inc. are working with local bar associations to develop such programs in their jurisdictions. Additionally, Southeast Louisiana Legal Services Corporation is working with the social work department of the Southeastern Louisiana University on such a project. The possibility of developing a provider-based ADR program to recruit, train, and monitor lawyers providing pro bono services to the poor was discussed in the Supreme Court of Louisiana Task Force on Legal Services report. A provider-based ADR program would expand client options.

Goals to Strengthen and Expand Services / Time Frame

1. The Supreme Court of Louisiana, Louisiana Bar Foundation and Louisiana State Bar Association in conjunction with the legal services programs should investigate the possibility of developing a legal services provider-based ADR program to recruit, train, and monitor lawyers providing pro bono services to the poor. **12 months**

2. The Louisiana State Bar Association should implement the poverty law segment of the LSBA's Tel-Law System to increase awareness of the legal services available to low-income individuals. **9 months**

3. Legal services programs will expand the campaign to notify low-income individuals of

the availability of legal services through written notices on documentation provided by district clerks of court. **9 months**

4. Legal services providers, legal services task forces , Louisiana State Bar Association Sections and Committees should develop standardized self-help and client educational materials Distribution should be through conventional methods as well as the internet. **16 months**

5. The Supreme Court of Louisiana should investigate the possibility of a Supreme Court of Louisiana Pro Se Forms Task Force. **18 months**

4. Coordination of Legal Work, Training, Information and Expert Assistance

Do program staff and pro bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

Synopsis

Louisiana providers have committed themselves to providing various forms of training to their employees. In-person training, statewide conferences, development of written materials, task forces interaction and access to experts, all add to the array of opportunities that are provided for continuous education and development.

The legal services programs coordinate their efforts with state groups, law schools, training providers, and task forces. Available technology is utilized to expand the knowledge base of all providers.

Strengths and Weaknesses

In order to address the overwhelming needs of low-income communities, there must exist a base of knowledgeable, well-trained advocates. Legal services providers are offered considerable opportunities for training through a network of in-person training, task force meetings, interactive technologies and statewide conferences.

In-person training through continuing legal education seminars and conferences are the major sources of training for legal services program advocates. There are numerous institutions that provide a plethora of training throughout Louisiana during any one year. An effective method of obtaining training for legal services programs is to produce poverty law relevant training and to obtain free or reduced-rate admissions from providers on relevant topics which they produced.

A valuable source of training for legal services providers arises from the ongoing work of

the legal services task forces. Since the closure of the statewide support program, the legal services task forces have taken over the responsibility of producing and sponsoring training events on a yearly basis. The work of each task force is coordinated through the legal services program in which the chairperson is employed. The task forces have designed training on issues specific to poverty law issues and act as a resource to attorneys in all of the legal services programs. Program directors make these “in-house” attorneys with expertise available as a resource to other providers.

Legal Services Task Forces have produced various training events. Examples of these are: a Social Security training, held in December, 1996, under the sponsorship of Capital Area Legal Services Corporation, Acadiana Legal Service Corporation, and the Public Benefits Task Force; a Social Security training held in early 1997 under the sponsorship of New Orleans Legal Assistance Corporation with participation of prominent national speakers; a Family Law training held in May, 1997, sponsored by the LSBA Family Law Section and Southwest Louisiana Legal Services; and two Fair Housing training events, one including landlord/tenant problems sponsored by New Orleans Legal Assistance Corporation and the Housing Law Task Force; and three Supplemental Security Income/Children’s Disability trainings.

A new training source is the ATJ Committee. The ATJ Conference Planning Subcommittee resurrected the annual Access to Justice Conference which provided five (5) free continuing legal education hours to attorneys providing direct legal services to the poor, pro bono program volunteers, and others willing to accept pro bono cases in return for the free legal education. Approximately one hundred individuals from throughout the state participated.

A new project to obtain free or reduced fee training is being undertaken by the ATJ Program. Some admission reductions have already been negotiated.

The LSBA website will soon display a calendar of continuing legal education seminars for all events occurring in the state. With this increased knowledge of timing and occurrence of these events, the opportunities to negotiate for free or reduced admissions may increase.

An issue raised through the state planning process is that of inter-program training among providers. It is believed that these interactions will be enhanced by communications through the ATJ listserv and with the advent of the LSBA’s CLE Calendar. This issue will be evaluated to determine if additional work is needed to establish interaction in training events.

In addition to in-person training, the legal services providers have access to and produce various written training materials. The legal services program directors are currently facilitating the revision of the Louisiana Desk Manual with the financial backing of the Gillis Long Poverty Law Center located at Loyola Law School in New Orleans. This manual currently includes the following chapters on poverty law issues: A Practical Guide to Bankruptcy in Louisiana, Strategies for Representing the Louisiana Consumer, A Partial Guide to Employment Law in Louisiana, Family Law, Housing and Urban Development Litigation, Louisiana’s Children Code Issues, Louisiana Landlord-Tenant Law, Medicaid in Louisiana and Social Security Law. The manual will be distributed to legal services program attorneys and Loyola Law School Clinic student practitioners. Additionally, the legal services programs will make this available for use by pro bono attorneys. The legal services programs have entered this beneficial agreement

whereby the cost of producing a much needed manual is paid by Loyola Law School Law Clinic and both the legal services programs and law school benefit.

The legal services task forces have also produced various written training materials, and will help develop client education material. The Consumer Law Task Force is in the process of compiling its Consumer Law Form Book. This book will be distributed to all legal services programs, and will be placed on the Access to Justice Brief and Pleadings Bank. The Housing Law Task Force has already completed and distributed a form disc. Whenever possible written materials such as those discussed above will be distributed through electronic sources. The Consumer Law Form Book will be the initial offering on the ATJ Brief and Pleadings Bank. The Tulane University Handbook on Environmental Law and a Utility Law Handbook are other possible submissions.

An additional aspect of training is obtaining information on other than substantive law issues. Issues involving fund-raising, case management, technologies, and other providers are often of interest. The development of a electronic newsletter to distribute such information was an additional area of discussion during the state planning process.

A valuable source of expert assistance is personal contacts. Legal services programs have always used mentoring as a means of training. Numerous experts can be found within the ranks of the legal services programs. These individuals are frequently asked to speak at statewide trainings on topics such as Family Law, Ethics and Social Security Law. The benefits of mentoring by the experts among the programs can be complemented and amplified by technology. The use of the ATJ listserv can expand an advocate's base for the accumulation of information. KLSC is already experimenting with video conferencing capabilities. State planning participants also envisioned real-time electronic chat rooms providing an additional dimension to information exchange. These can readily be established with compatible computer software.

Additionally the legal services programs have developed contacts among the local bar associations who are experts in certain areas of the law not regularly practiced by legal services attorneys. Contacts with local attorneys, law school faculties, and local non-attorney professionals have resulted in collaborative efforts for various projects in areas such as bankruptcy, property law and various other matters. Southwest Louisiana Legal Services Society, Inc. has taken this a step further. In cooperation with its local bar, Southwest has formalized its work with experts by developing an expert panel of attorneys from which to gather expert information.

Training is an important aspect of providing legal services to the poor. Louisiana providers are working with other provider organizations, the LSBA, the Access to Justice Program, and private training entities to obtain the knowledge and level of skill needed for effective advocacy.

Goals to Strengthen and Expand Services / Time Frame

- 1) The Access to Justice Committee will continue to work with training providers to

develop a routine methodology for seeking free or reduced-fee training. **Ongoing**

2) The Access to Justice Committee will investigate the need of an ATJ newsletter, through conventional media, such as LSBA publications, and/or through electronic media, with concern for duplicitous efforts due to other program newsletters, costs (time and financially) and benefits gained. **6 months**

3) The Legal Services Task Forces and the ATJ Committee will continue to develop training opportunities, and to investigate the use of technologies which can supplant and expand opportunities for training. **Ongoing**

4) The Legal Services Programs will expand and continue to develop their task forces to encourage the involvement of all legal services providers and inter-program training. **6 months**

5. Private Attorney Involvement

What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery of legal services?

Synopsis

Private attorney or pro bono involvement is critical to the success of any comprehensive legal services delivery system. Pro bono attorneys expand the provider potential to help fill the unmet need for legal services. Louisiana has in place a broad spectrum of support for pro bono involvement. Although the Bar, the ATJ Program, the Young Lawyers Section of the Bar, the providers and local attorneys constitute a well-developed pro bono system, Louisiana continues to seek additional techniques to promote pro bono work.

Strengths and Weaknesses

Louisiana is fortunate to have a strong cadre of well-organized pro bono programs. Promoters of pro bono work must employ various devices to maximize volunteer participation. Louisiana providers excel at encouraging participation at various levels.

Louisiana currently has fourteen pro bono programs located throughout Louisiana. The pro bono directors are a quite cohesive group meeting quarterly with the Access to Justice Director at locations throughout the state to discuss issues of management, delivery ideas, and to work on common goals. The pro bono directors have a standing offer to attend ATJ Committee meetings, but annually the group is formally specifically to discuss issues relevant to pro bono. Additionally, one of the directors is a member of the Access to Justice Committee programs, though each very different, have numerous similarities. The programs accept most of their clients from local legal services programs. The larger programs also conduct direct intake in association with special areas recognized such a need. One such project is the Children in Need of Care Program undertaken by the New Orleans Pro Bono Project, and another is the Lafayette Community Clinic Intake Program undertaken by the Lafayette Volunteer Lawyers. Additionally, pro bono programs compliment the work of legal services programs. The importance of pro bono programs in Louisiana can not be underplayed. They are an integral, innovative aspect of Louisiana's delivery system.

Legal services programs recognize the benefit of pro bono volunteering, and they devote time to fostering these necessary relationships. An overwhelming number of state planning participants felt that the strongest of these relationships were best developed through personal contacts on the local level. As such, legal service attorneys recognize the value of cultivating such relationships.

It was recognized in the state planning process that without the work of legal services programs, pro bono programs may not exist in most rural areas of the state. Absent the individual contacts by legal services programs, the pro bono effort in local areas would be greatly diminished. Ongoing efforts by the legal services and pro bono programs to recruit the participation by new and older attorneys benefit all clients.

Kisatchie Legal Services Corporation developed and organized a pro bono effort in its predominantly rural area where none existed previously. Because of the lack of history of pro bono participation, many of the attorneys participated only because of the requests of individual Kisatchie employees. Through this personalized effort Kisatchie has attained pro bono participation of approximately thirty percent (30%) of the attorneys in its service area. Kisatchie has also used creative means of encouraging participation. It has offered the use of its library in its rural service area as an incentive to attorneys willing to accept pro bono cases with its in-house pro bono program. Kisatchie also surveys the local attorneys yearly as to the case types the attorneys will accept, and offers to subsidize the cost of training in other areas to encourage expansion of pro bono participation into those additional areas.

Capital Area Legal Services Corporation also has a substantial pro bono participation. Over 800 attorneys participate through traditional pro bono means and another 200 participate

through traditional means and reduced-fee panels. Rural intake employees' tasks include the expansion of pro bono and private attorney involvement panels.

With the efforts of Southwest Louisiana Legal Services Society, Inc., pro bono involvement of the private bar in the Lake Charles area has doubled within the past year. Attorneys from this service area have won statewide pro bono awards for the past two years. SWLLS, CALSC, and KLSC each distribute awards recognizing pro bono participation in their local areas as well as participate in statewide recognition efforts.

The underlying theme of all discussions of pro bono work has been promotion. This has been a priority for the LSBA and its ATJ Committee. This past year, the LSBA provided funding for a survey on pro bono issues. The results of the survey were instrumental in garnering support for actions taken by the Access to Justice Committee. That is, the LSBA agreed to allow a voluntary pro bono reporting form to be included with their annual dues statement to its approximately 18,000 members. The addition to the dues statement created awareness and encouraged participation. The number of responses appears to be average for surrounding states, but the content is fodder for an education campaign which can provide additional awareness.

The LSBA has been very supportive of pro bono work in other ways. In January, the State Bar President, David F. Bienvenu, and the Access to Justice Director, Monte T. Mollere, conducted meetings in every major city in Louisiana to promote and discuss access issues and pro bono participation. Members of the judiciary, legal services providers, local bar officials, law school representatives and others participated in constructive dialogue about pro bono activities. The results were incorporated into the ATJ Committee's planning.

The LSBA also actively helps in recruitment. Speakers address the incoming attorneys at each admissions ceremony and LSBA's Young Lawyer's Section seminar. Written materials are provided to newly admitted attorneys and to the judiciary through regular LSBA mailings. The current LSBA President, Patrick S. Ottinger, has charged the ATJ Committee with developing a pro bono challenge for the LSBA's sections and committees. He will work directly with these groups to develop new avenues for pro bono involvement.

The LSBA also annually recognizes pro bono work by the presentation of pro bono awards, career pro bono awards, and lifetime-achievement pro bono awards. These awards are given at the annual LSBA luncheon held in conjunction with LSBA's annual meeting and convention.

The ATJ Committee has also encouraged pro bono participation by providing training through continuing legal education seminars to attorneys in return for their handling volunteer cases. A state training and three local trainings have been held using this method. The ATJ Committee is also investigating the possibility of posting the Louisiana Desk Manual electronically as a means of encouraging pro bono participation by attorneys less familiar with poverty issues. The Committee has also re-established the practice and now facilitates quarterly meetings of all pro bono coordinators from throughout the State. The meetings provide an opportunity for pro bono coordinators to meet one another and share ideas and plans. The Committee is also working on a judiciary education campaign to inform judges as to how they

can assist in pro bono efforts.

Goals to Strengthen and Expand Services / Time Frame

- 1) The Access to Justice Committee will develop judiciary educational campaign materials and presentation for Louisiana district judge's annual meeting. **6 months**
- 2) The Access to Justice Committee will continue with the pro bono education campaign with an article directed at educating attorneys and informing them of the voluntary pro bono reporting results. **6 months, Ongoing**
- 3) The legal services providers will work with local pro bono program staff to develop joint program opportunities, to share training and to participate in each other staff meetings. **Ongoing**
- 4) The Access to Justice Committee should seek support of the Supreme Court for adoption of a rule to require, as part of disciplinary action against an attorney, provision of pro bono legal services or fines to be deposited in the ATJ fund. **24 months**
- 5) Legal services providers, and the Access to Justice Committee will work with the LSBA, in its outreach program to local bars to encourage development of pro bono participation by local bars. **Ongoing**
- 6) The legal services programs will continue pro bono efforts in conjunction with the pro bono programs directed at new and older attorneys to encourage participation and to increase recognition of efforts through awards, luncheons and other means. **Ongoing**
- 7) Legal services programs operating judicare panels will require acceptance of a minimum of two (2) pro bono cases per year as a condition to an attorney's participation. **12 months**

6. Funding

What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?

Synopsis

An overriding goal of legal services providers is the generation of resources to expand the delivery of civil legal services to the poor. An immediate need in Louisiana is the diversification of funding sources. Legal services providers have sought to diversify funding, and have, to varying degrees, been somewhat successful. A statewide effort is now being coordinated through the Access to Justice Committee which has addressed funding through state appropriations, filing-fee surcharges, state bar dues checkoffs, direct state bar grants and state fee-for-service contracts.

Through the consolidated collective efforts of providers and stakeholders and the support of interested parties, new strategies are being developed to create, extend, and preserve resources for the provision of legal services to the poor.

Strengths and Weaknesses

Like states throughout the nation, Louisiana is faced with the critical issue of reduction in resources which challenges the continued existence of the providers of legal services. Legal services programs have for some time coordinated efforts among themselves, and with other organizations, to locate and obtain funding while complying with Legal Services Corporation restrictions. Legal services programs, like other providers, are struggling to diversify funding sources and have met with varying degrees of success over the past several years.

Legal services programs have found funding in local governments and collaborations with local providers. Much of this funding can be directly related to local contacts by the legal services programs with other local organizations. Some local governments have provided funding for outreach offices. CALSC receives such grants from local governments for locating outreach offices in particular rural areas. CALSC, in efforts with its local bar association was also successful in obtaining a surcharge of three dollars per filing in the Baton Rouge City Court which last year resulted in proceeds of over forty thousand dollars (\$40,000). SWLLS receives over twenty-nine thousand dollars (\$29,000) directly from Calcasieu Parish, six thousand (\$6,000) from the local bar association, twenty-four thousand dollars, (\$24,000) in rental space as well as seventy-five thousand dollars (\$75,000) in renovations to its offices from the Calcasieu Parish Policy Jury. SWLLS also receives free computerized research and library facilities valued at over twenty thousand dollars (\$20,000). (A table showing non-LSC funding sources can be found at Appendix D.)

Other legal services programs have obtained funds by joining forces with other local providers. KLSC has obtained grant money through participation in four (4) local consortiums with Northwestern Louisiana State University and other non-legal providers, which provides wraparound services for clients such as legal assistance, educational, emotional counseling, etc. Without its local presence, these contracts would not have ensued. This allowed KLSC to hire two (2) additional staff attorneys. SLLS has obtained a grant from a local domestic abuse program to provide legal services to families in need.

Two legal services programs, CALSC and SLLS, have additionally obtained state funding from the Louisiana Governor's Office of Elderly Affairs to provide elderly protective services. Two other programs, ALSC and NOLAC have shared expenses of a fundraising consultant, and are examining possibilities of local fundraising campaigns. Additionally, many of the pro bono organizations have developed local fund-raising efforts.

In addition to money, many legal services programs receive in-kind donations from local governments, churches, and universities, including KLSC from Northwestern Louisiana State University; CALSC from Southern University, Louisiana State University and Nicholls State University, and SLLS from Southeastern Louisiana University. KLSC also receives donated tax services from a CPA firm to provide services to clients with IRS problems. Other volunteer assistance has also been obtained by all programs.

The programs have worked for a long time to share information regarding resources and have disseminated this information rapidly. The use of the newly developed listserv can only enhance this ability.

Through collaborative efforts within the past few years, legislation to benefit legal services providers has been established. The Louisiana Legislature has established a funding mechanism for legal services providers in providing for "The Fund for Louisianians." Unfortunately, no allocation of state funds have been provided by the legislature. Legislation was also passed which allows for payment of fees by the State to legal services organizations for representation of children of indigent parents in child-protection proceedings. Legislation has also been enacted to provide for the establishment of filing-fee surcharges at the discretion of local district judges. Within the past year, the ATJ Program has acted as a clearinghouse to distribute literature and collect data on successful filing-fee programs. Filing-fee programs have been established in four Louisiana jurisdictions. This effort will continue.

Last year, the ATJ Resource Development Subcommittee, co-chaired by James Wayne, director of Capital Area Legal Services Corporation, advanced a three-tiered plan for obtaining resources. It sought resources from state and local governments, from the LSBA, and through Supreme Court initiatives.

In conjunction with the state resource development plan, the ATJ Program produced an informational package providing general, statistical data about the legal services programs to be used in fund development. This information was presented to Louisiana legislators when approached to provide fee-for-service contracts to legal services providers. Though this effort was not successful, the ATJ Committee and legal services providers are working with the Supreme Court of Louisiana representative, Anthony J. Gagliano, and indigent defenders to develop a similar project. The project would allow legal services programs to represent individuals in adoption termination cases which would result in statutory fee payments to the providers.

The ATJ judiciary education project also includes funding components. The major funding issue being the possible distribution of residual class-action funds to legal services providers. Additional work is being done in developing this funding option.

At the urging of the Louisiana legal services programs, the LSBA established a contribution or dues check-off in 1998. In its first year, with limited publicity due to a short time period between actual passage and implementation, over \$12,000 was collected in this check-off. The money will be disbursed to legal services and pro bono programs throughout Louisiana. A heightened campaign will accompany next year's check-off.

Supplementing this year's resource development work is a joint group of ATJ Committee and Louisiana Bar Foundation members who are examining additional funding options through other sources. The ATJ Committee will work with this group. Finding and maintaining resources are critical elements which Louisiana must continue to seek in its overall plan for delivering legal services to the poor.

Goals to Strengthen and Expand Services / Time Frame

1) The Access to Justice Committee, the Louisiana Bar Foundation and the Louisiana State Bar Association should investigate the development of a technical assistance network for local fund-raising, including training, with the Access to Justice Program acting as a clearinghouse for information developed. **12 months**

2) Legal services programs and other interested parties, should investigate opportunities to provide funding for The Fund for Louisianians. **Ongoing**

3) Legal services programs and the Access to Justice Committee should continue to encourage implementation of local filing-fee surcharge funding with the ATJ Program acting as a clearinghouse house for collection and disbursement of information. **Ongoing**

4) The Access to Justice Committee and the joint Louisiana Bar Foundation Committee should incorporate possible funding options into the judiciary education campaign. **6 months**

5) The Supreme Court of Louisiana and the Access to Justice Committee should assist in the development of the collaborative projects between the indigent defenders and legal services organizations to generate funding. **12 months**

6) The Access to Justice Committee should provide support for the joint resource development group as needed. **Ongoing**

7) The Access to Justice Committee should review and update the ATJ Resource Development Plan. **Ongoing**

7. Configuration of a Comprehensive, Integrated Statewide Delivery System

How should the legal services programs be configured in the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated system?

Synopsis

The Louisiana delivery system, as a whole, is well integrated and comprehensive. There is a long history of cooperation and interaction among the providers, which is reinforced by the statewide presence of the Access to Justice Program. Significant strides have been made in addressing issues of resource development, technology, pro bono involvement, intake, and training. Additionally, discussions regarding pro se and self help issues are taking place.

The configuration of the Louisiana delivery system is a hybrid approach consisting of strong local programs providing sensitivity to local populations and needs, and a coordinated, strengthened state network providing statewide guidance and perspective. Louisiana's hybrid configuration has evolved under constant monitoring and is addressed in an ongoing fashion to

foster continuous improvement. The state planning process has provided the opportunity to collect input and review the configuration, and has bolstered the belief that this hybrid approach to the delivery of legal services is a very good one. This approach, summed up, is a delivery system based on interaction at the state level, participation on the local level, and ongoing evaluation.

Louisiana's Configuration

Louisiana is an extremely rural state with two major urban centers and several smaller, yet expanding, urban centers. It has an extremely diverse ethnic and cultural background, and somewhat unique demographic and geographic components. It has approximately a million poor people, divided into groups by geography, race, religious identity, and tradition. Superimposed, are factors of education, access to transportation, rural versus urban diversity and the varying and unique legal issues encountered by each group. The delivery of legal services under such circumstances is a daunting task, but one which has been handled effectively in Louisiana, and under the current configuration, improves continuously.

There are currently eight legal service programs in Louisiana. The present delivery system has evolved from a larger one which has been pared down due to three mergers and/or consolidations of Louisiana legal services programs. The three programs, Tri-Parish Legal Services, Bayou Lafourche Legal Services and Central Louisiana Legal Services, formally serving eleven Louisiana parishes have been merged into the current system.

Each of the current eight legal services program has a long history of interaction in their communities. The youngest program has been in operation for almost two decades. Three of these programs are larger than most statewide legal services programs. Some programs, such as KLSC, are primarily rural in makeup, yet cover a large geographic region of the state. Others, such as NOLAC, CALSC, and to a lesser degree NWLLS, include smaller geographic areas but large concentrations of primarily urban populations. Still others, such as ALSC, NLLAC, SLLS and SWLLS, have a mixture of small urban and rural populations.

Another significant, and somewhat unique characteristic of Louisiana legal services programs is the culturally diverse groups they serve. A large population of French heritage is located in the southern and central regions of the state, a Creole population in KLSC's service area, a Hispanic population in the NOLAC and KLSC's area, Vietnamese population in the SWLLS area, an institutional population in CALSC area, and Native American populations in ALSC, KLSC, CALSC, SWLLS areas.

The legal needs of these diverse populations can be best served by a hybrid configuration such as the one that currently exists in Louisiana. This configuration permits legal service providers to provide sensitivity to local populations and local needs, to participate actively in local communities and still receive the support derived from interaction with a strong state network; a network which was built on a history of planning, cooperation and coordination among providers. This network now includes a new state presence, the Access to Justice Program, dedicated to the development of an integrated statewide network and supported by the

Louisiana State Bar Association and Louisiana Bar Foundation. These programs have customized services because of Louisiana's cultural differences. Yet, the legal services programs have been able to consolidate work despite these diversities. Loss of sensitivity to these differences to a single statewide program may be detrimental to the effective delivery of legal services.

Louisiana's eight legal services programs have developed a cohesive and effective approach to facing the diverse poor population in Louisiana. They are a coordinated, united group who have for numerous years met bi-monthly to discuss and take action on issues of statewide cooperation, coordination, management, technological innovations, and general concerns regarding the most efficient delivery of legal assistance to the poor. Their regular interaction has allowed the programs to maintain statewide consumer law, public benefits, housing law and family law task forces. The task forces, which serve as forums for sharing expertise and information, also plan training events and develop form pleadings. The legal services programs have also assisted the Louisiana Supreme Court Task Force for Legal Services, which studied access to justice for the poor, and have prepared a comprehensive study of the *in forma pauperis* practices in Louisiana.

The group has also been active in negotiating a statewide contract with a computerized law library service for all legal services programs, sharing information on funding opportunities and updating an attorney's desk manual to be used by all legal services programs.

On regional bases, programs have been involved in consolidating administrative functions, developing common technical capabilities, and several other projects. For example, CALSC and ALSC have entered into a cooperative relationship to contain the cost of their technology upgrade by the bulk purchasing of hardware, and the provision of technical consultation and training which allowed both organizations to realize savings. KLSC and NLLAC have realized saving through cooperative efforts to develop case management, timekeeping, and financial systems software. Other costs saving cooperative efforts have involved the purchase of health insurance through grouping of several programs. ALSC and NOLAC have shared the cost of working with a professional fundraising consultant. ALSC and SWLLS have entered an agreement whereby ALSC will provide financial services regarding LSC accounting and compliance requirements to SWLLS. Programs have also cooperated by co-counseling in complex litigation for the benefit of the legal services clients. As well as being integrated among themselves, the programs are well integrated, and continue to become more integrated with other providers, through the Access to Justice Program.

Prior to the past year, the eight Louisiana legal services programs had, regularly and collectively, addressed state issues on their own or through the ATJ Committee. The Access to Justice Program provides an organization, supported by the Louisiana State Bar Association and Louisiana Bar Foundation, through which all legal services providers can coordinate their efforts on common goals. The ATJ Program also facilitates collection, evaluation and sharing of results amongst providers on various state issues.

The ATJ Program has provided a renewed focus and level of commitment for the eight programs to work together with other providers in addressing statewide issues. The program

acknowledges that the legal services programs, as the providers of the largest amount of legal assistance to the poor in Louisiana, are an integral and essential component of a comprehensive statewide delivery system in Louisiana. As such, several of the directors and staff members of the legal services programs are members of the Access to Justice Committee and bring to the table the legal services perspective. Additionally, the director of the ATJ Program, regularly attends the bi-monthly meetings of the legal services executive directors. His attendance fosters interaction and ongoing communication between the legal services programs and other organizations.

Examination of configuration during the state planning process further solidified the belief that a delivery system built on the historical cooperation and coordination of the eight legal services programs with the inclusion of a statewide component provided by the ATJ Program, can provide the sensitivity to local populations, local needs and local problems while providing high quality legal services consistent with state and national standards.

The current system exhibits an ever-increasing degree of integration, is comprehensive and provides efficient and effective legal services to its clients. It combines the elements that are best provided locally with elements that are best done on larger scales. The current plan is to build on the successes of the local connections of the current programs, while continuing to evaluate Louisiana's configuration.

Strengths and Weaknesses

The hybrid configuration of Louisiana's system for delivering legal services to the poor can best be assessed by how it serves the needs of Louisiana's poor. The following indicators address various issues relevant to assessment.

Access to Services

Local programs maximize access for the clients throughout the state by providing a contact in their community or area. A local presence was viewed by participants in the state planning process as a necessary component of providing effectual access to clients, while strengthening relationships and collaborative efforts among providers. Regional hotlines in rural areas provide further access, and a planned single toll-free automated information line would provide clients with access to the nearest legal services organization.

Louisiana legal services programs have regularly faced the geographical problems associated with Louisiana's large rural populations. The lack of public transportation was a recurring theme during state planning discussions. Clients want to visit with an attorney. If that is not possible, clients want to talk to an attorney in their community who is not only familiar with the law, but who can give them detailed, specific advice as to the resolution of their problem through local avenues. Local legal services providers have found regional toll-free numbers in

rural areas address these matters most effectively. These regional hotlines are most effective and efficient in dealing with local issues. In large geographical areas in a state as diverse as Louisiana, the efficiencies of scale can often be lost to the effectiveness of service provided by a regional provider hotline.

Effective Legal Services

The current hybrid system maximizes effective legal services to clients throughout the state. While the local programs work on a daily basis to provide effective legal services to the clients in their communities, the coordination and cooperation which they have historically exhibited in working with each other, facilitates their work on projects among themselves and with other organizations on a state level through the Access to Justice Program. The current configuration allows planning which maximizes effective legal services to the clients. Planning on projects such as the following:

- The Children's SSI Project provided support for training, solicited pro bono participation, provided practical case tips, and in general, useful legal services,
- The statewide Access to Justice Conference which provided approximately 100 attorneys from legal services providers with of training on poverty law topics,
- The development of a statewide communications network including, a listserv for communication on legal, funding and general issues, and a brief and pleadings bank, and
- The development of a centralized clearinghouse for self-help and preventive legal education materials.

These projects can allow the programs to assess the local legal needs and bring the issues to the table with other providers, while being able to derive the benefit of the state level input and customize it for their particular clientele.

Resource Management

Louisiana's hybrid configuration supports the highest and best use of available resources in several arenas, allowing an opportunity for excellence and innovation.

A local component allows individual programs to capitalize on their presence in communities through coordinated grant-writing with social service organizations, development of local funding campaigns, support for local fundraising activities, and the acquisition of local governmental support and funding. These local relationships were seen as critical in issues such as the collection of additional filing fees, where the state statutes left the implementation of filing fee increases for legal services providers to the discretion of local judges.

The statewide aspect of this configuration has helped to foster regional and statewide coordination of grant-writing such as an AARP proposal, to develop statewide funding campaigns with the assistance of the LSBA and the LBF, and to develop state funding through the Access to Justice Resource Development Subcommittee. The ATJ Resource Development

Subcommittee will further investigate coordinating technical assistance for local fund-raising.

Although the technology of the eight programs is not uniform, the program directors continue to discuss this important topic at their bi-monthly meetings. Where possible, the directors implement those plans which can be accomplished with current technological capacities, but with a vision for a future uniform system. Two programs were recipients of ABA donated hardware, and received software through the same program.

The LSBA has provided a great deal of support in advancing technical issues for the legal services providers, and have made Access to Justice issues one of the top three areas of concerns for the LSBA's newly-formed Technology Committee. The LSBA has provided the Access to Justice Committee space on its website at which the Directory of Civil Legal Services Providers can be found, and it has developed a listserv for all legal services providers in the state. Additionally, under construction is a brief and pleadings bank.

The current configuration also facilitates strong coordination and a high degree of involvement with the private bar. The local component of the system allows for cultivation of relationships with the local bars, the larger of which have pro bono programs. Again the presence of the local programs foster those personal relationships necessary to encourage private bar involvement. Many of the program directors and staff persons at legal services programs serve as local bar officers and on local bar committees. Additionally, in some areas where the bar has been unsuccessful at developing local pro bono programs, the local legal services provider has developed in-house pro bono programs which work very closely with the local bars.

Additionally, a campaign was waged by the 1997-1998 Louisiana State Bar President, David F. Bienvenu, to encourage pro bono participation and bar involvement with legal services providers. The campaign included a tour of Louisiana encouraging pro bono participation and the institution of a voluntary pro bono reporting mechanism. The current LSBA President, Patrick S. Ottinger, has been extremely supportive and an active participant in the state planning process and state training. The Louisiana State Bar Association and the Louisiana Bar Foundation have taken great strides to foster a long-term relationship with the providers of legal services in Louisiana.

Innovative Delivery and Evaluation of Results

This configuration allows for development of innovative ideas and evaluation. It allows providers to share information through communication at regularly scheduled ATJ Committee and Legal services program directors' meetings, through the LSBA established listserv, and through the planned brief bank.

The ATJ Program additionally provides the local organizations with developments and innovations from a national perspective from information obtained by involvement in national organizations such as the ABA, NLADA, and SPAN. Additionally, by attending regional and national meetings and seminars, information is shared among providers.

The ATJ Program acts as a clearinghouse or center for the collection of data from

providers or other organizations on various topics, for evaluation of programs through its network of providers and subsequent disbursement of relevant and useful information.

The ATJ Program is currently investigating a statewide coordinated research project on the provision of legal services in Louisiana in an attempt to develop local, statewide and possibly national funding.

New and Emerging Client Needs

The configuration provides for assessment of demographic trends, changes in law and public programs affecting poor persons. This allows for the local experimentation of new delivery systems before expansion or adaptation is made statewide. At the local level, providers are the best gauge of the subtle changes in client demographics, local application of laws and public programs. The local programs provide this information to the ATJ Program which on a state level, can investigate appropriately, and after making informed assessments, distribute necessary information to the local programs.

The configuration additionally, facilitates efficient provision of services to new and emerging client groups based on Louisiana's long history of diversity. Assessment of the local needs of these diverse groups can best be done by programs involved in these communities. The programs utilize the knowledge of local boards to set priorities and case acceptance policy to match local conditions and problems experienced by each client population. Because of this history of diversity within the poor population, the programs have become experts at predicting areas of concern and responding to the developing and changing needs of their client base.

Goals to Strengthen and Expand Services / Time Frame

1) The Access to Justice Committee, working with the legal services programs will provide a single statewide toll free number to provide clients with information on accessing local legal services. **6 months**

2) The legal services programs will expand and continue to work with statewide task forces to develop regularly scheduled training opportunities and client education materials.

Ongoing

3) The Access to Justice Committee and legal services providers will develop a statewide brief bank for use by all legal services providers. **12 months**

4) The interested parties will strengthen efforts to expand client access to the courts, enhance self-help opportunities for low-income persons, and provide preventive legal education and advice. This includes projects such as the development of a clearinghouse of standardized self-help and preventive legal education materials within the Access to Justice Program. **Ongoing**

5) The Access to Justice Committee will revisit the statewide resource development plan and develop a stronger technical assistance program for local fund-raising and continue to

coordinate fund-raising activities on both state and national levels. **Ongoing**

6) The Access to Justice Committee, the Supreme Court of Louisiana, and all legal services providers and interested parties, should investigate the development of periodic, systematic, evaluation process by which the configuration of Louisiana's delivery system of legal services to the poor can be comprehensively examined. **24 months**

7) The Access to Justice Committee should systematically review progress on this plan. **Ongoing**

CONCLUSION

The statewide planning process has been of value in Louisiana. It has not only given Louisiana the opportunity to reflect on the tremendous progress made but also to identify new areas of endeavor to improve the delivery of legal services to the poor.

**LOUISIANA STATE PLAN APPENDICES
WILL NOT ACCOMPANY THE
ELECTRONICALLY SUBMITTED PLAN**